

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,) MB Docket No. 03-144
FM Broadcast Stations.) RM-10733
(Gunnison, Crawford, and Olathe, Breckenridge,) RM-10788
Eagle, Fort Morgan, Greenwood Village,) RM-10789
Loveland, and Strasburg, Colorado, and Laramie,)
Wyoming)¹)

ORDER TO SHOW CAUSE

Adopted: October 8, 2003

Released: October 10, 2003

Comment Date: November 24, 2003

By the Assistant Chief, Audio Division:

1 The Audio Division has before it a counterproposal filed by Mayflower-Crawford Broadcasters ("MCB") requesting the allotment of Channel 272C2 to Crawford, Colorado, as its first local aural transmission service. This counterproposal was timely filed following the release of the *Notice of Proposed Rule Making* ("Notice") in this proceeding.² In order to accommodate the allotment at Crawford, MCB requests the substitution of Channel 299A for Channel 272A at Station KVLE-FM, Gunnison, Colorado. Additionally, MCB requests a change in reference coordinates for vacant Channel 270C2 at Olathe, Colorado to accommodate the allotment of Channel 272C2 at Crawford, Colorado.³ For the reasons discussed below, we are issuing this *Order to Show Cause* directed to Pilgrim Communications, Inc. ("Pilgrim Communications"), the licensee of Station KVLE-FM.

2 In order to proceed with our analysis, we must first issue this *Order to Show Cause* directed to Pilgrim Communications to show cause why its Station KVLE-FM license should not be modified to specify operation on Channel 299A in lieu of Channel 272A at Gunnison, Colorado. Section 316(a) of the Communications Act of 1934, as amended, permits us to modify the license or construction permit if such action is in the public interest. Section 316(a) requires that we notify the affected station of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules.⁴ The substitution of Channel 299A

¹ Crawford, Olathe, Breckenridge, Eagle, Fort Morgan, Greenwood Village, Loveland, and Strasburg, Colorado, and Laramie, Wyoming have been added to the caption. See *Public Notice*, Report No. 2629 released September 16, 2003

² See *Gunnison, Colorado*, 18 FCC Rcd 12696 (MB 2003)

³ The proposed reference coordinates for Channel 270C2 at Olathe, CO are 38-26-25 NL and 108-09-47 WL. This site requires a site restriction 15.8 kilometers (9.8 miles) west of the community.

⁴ See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987)

for Channel 272A at Gunnison, Colorado, would accommodate the allotment of Channel 272C2 at Crawford, Colorado. We consider this allotment at Crawford to have sufficient public interest benefits to justify the issuance of a show cause order since it could provide that community with its first local aural transmission service

3. Station KVLE-FM license at Gunnison, Colorado can be modified to specify operation on Channel 299A at its current authorized transmitter site (BLH-19800425AB).⁵ MCB has agreed to reimburse Pilgrim Communications for the reasonable costs incurred in connection with the proposed change of Station KVLE-FM channel.

4. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communication Act of 1934, as amended, Pilgrim Communications, licensee of Station KVLE-FM, Gunnison, Colorado, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 299A in lieu of Channel 272A.

5. Pursuant to Section 1.87 of the Communications Rules, Pilgrim Communications may, no later than November 24, 2003, file a written statement showing with particularity why its construction permit should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the licensee to furnish additional information. If the licensee raises any substantial and material questions of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the licensee will be deemed to have consented to a modification as proposed in this *Order to Show Cause* and a final Order will be issued if the modification is found to be in the public interest.

6. IT IS FURTHER ORDERED, that a copy of this *Order to Show Cause* shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

Pilgrim Communications, Inc.
54 Monument Circle
Indianapolis, IN 46204
[Licensee of Station KVLE-FM]

7. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

⁵ The reference coordinates for Channel 299A at Gunnison, Colorado are 38-33-53 NL and 106-55-38 WL.